

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

AH, DD & F Department – Court Case – APAT Interim Orders dated 20-06-2012 in O.A.No.4213 of 2012 for Regularization of services and Sanction of Minimum time scale to Sri Prem Bahdur, Ex-Casual Labour, LSSBF, Mamidipally – Rejected – Speaking Orders – Issued.

ANIMAL HUSBANDRY, DAIRY DEVELOPMENT & FISHERIES (AH-II) DEPARTMENT

G.O.Ms.No. 9

Date.26-03-2013

Read the following:-

1. Proceedings Roc. No. 264/B/2000 issued by the DD(AH), LSSBF, Mamidipally, Ranga Reddy District, date 23-3-2002.
2. Industrial Tribunal-II, Hyderabad Orders dated 18-4-2009 in I.D.No.17 /2008 filed by Sri Prem Bahadur, Ex-Watchman, LSSBF, Mamidipally.
3. Notice of Industrial Tribunal dt.9-6-2010 in E.P. No.1 of 2010 in ID No.17/ 2008 filed by Sri Prem Bahadur, Ex-Watchman, LSSBF, Mamidipally.
4. Hon'ble Andhra Pradesh High Court interim orders in W.P. MP. No.21530/ 2010 in W.P. No.17073/2010, dated 19-7-2010.
5. From the Government Pleader Lr.No.W.P.17073/2010/BSS/A&H, Dt.19-7-2010.
6. From Director of Animal Husbandry Lr.No.29129/BV/ B6/ 06, Dt. 08-09-2010.
7. Industrial Tribunal-II, Hyderabad Orders dated 17-01-2011 in EP No.1/2010 in ID No.17 of 2008.
8. Government Memo No.3510/AH-II(2)/10, dated 29-01-2011.
9. Proceedings Roc.No.29129/BV/B6/2010, dated 14/02/2011 of Director of Animal Husbandry, Hyderabad.
10. G.O.Ms.No.17, AHDD&F (AH-II) Department, dated 17-02-2011.
11. Representation of Sri Prem Bahadur, dated 23-04-2012.
12. Interim Orders of APAT in OA No. 4213/2012 dated.20-06-2012.
13. From the APAT notice in C.A.No.1827/12 in OA No. 4213/12, Dt.6-12-2012.
14. Government memo No.3510/AH-II(2)/10-1& 2, dated 31-12-2012.
15. U.O. Note No.34975/270/A3/PC-III/2012, Dated 02-01-2013.
16. From the Director of Animal Husbandry Lr.No.29129/BV/B6/06, Dt.18-01-13.
17. APAT orders dated 13-03-2013 in CA No.1827/2012 in OA No. 4213/2012.

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ORDER:-

Sri Prem Bahadur S/o Late Bahdur Joined as Casual Labour on 01-09-1987 in Large Scale Sheep Breeding Farm, Mamidipally, Rangareddy District. His services were utilized as Watchman. His services were terminated in the proceedings 1st read above w.e.f. 21-03-2002 due to transfer of the said farm to Andhra Pradesh Industrial Infrastructure Corporation limited (APIIC), Hyderabad.

2. Aggrieved by the termination orders, Sri Prem Bahadur has filed a case before the Industrial Tribunal for his reinstatement into service with back wages in ID No.139 of 2006 renumbered as ID No.17 of 2008.

3. The Industrial Tribunal-II, Hyderabad in its order 2nd read above found that, the respondents are unjustified in ordering for termination of the services of the petitioner and accordingly, set aside the termination order 1st read above for violation of Section 25-F of the Industrial Disputes Act and directed to reinstate the petitioner into service with back wages and continuity of service.

4. Further, in the reference 3rd read above, a notice has been received from the Industrial tribunal in E.P.No.1/2010 filed by Sri Prem Bahadur for implementation of award and payment of back-wages amounting Rs.4,13,740/ for the period of 23-2-2002 to 31-5-2010.

(p.t.o)

5. The Government have filed a Writ petition No.17073/2010 before the Hon'ble High Court with a request to grant stay on all further proceedings in E.P. No. 1/2010 in ID No. 17/2008 on the file of Industrial Tribunal, Hyderabad. The Hon'ble High Court in its interim orders 4th read above granted interim stay on payment of back wages only. With regard to the reinstatement of Sri Prem Bahadur into service and continuity of service ordered by the Tribunal, the Director of Animal Husbandry was permitted vide Government Memo 8th read above to appoint / reinstate into service Sri Prem bahadur, on adhoc basis, as daily wage worker in the Large Scale Sheep Breeding Farm. The DAH has also issued orders vide in 9th read above to utilize the services of the individual as daily wage worker at O/o Assistant Director (AH), Sheep & Goat, Hyderabad.

6. Sri Prem Bahadur in his further representation 11th read above has requested the Assistant Director (AH), Sheep & Goat, Hyderabad for sanction of minimum time scale of Pay + DA as per the G.O.Ms.No.17, AHDD&F (AH-II) Department, Dt.17-02-2011. His representation was not considered. Hence, he has filed O.A.No.4213/2012 praying the tribunal to declare the action of respondents in not regularize the service of the applicant as watchman even after putting (24) years of service is illegal, arbitrary and consequently praying that, to regularize the services of the applicant from the date of completion of 5 years of service i.e. from 01-09-1992, along with all consequential benefits. He has also requested the tribunal pending disposal of the O.A., to direct the respondents to pay minimum time scale and its allowances attached to the post of last grade service or as per G.O.Ms.No.17, dated 17-02-2011 to him.

7. The APAT in its interim order 12th read above, directed the respondents to pass appropriate orders on the representation of the applicant 11th read above. Aggrieved by non-compliance of orders of APAT, the individual has filed C.A.No.1827/2012 in O.A. No. 4213/2012.

8. Further, the APAT in its order 17th read above, posted the case on 28-03-2012 for final compliance of the orders passed by the Tribunal.

9. The Director of Animal Husbandry in his letter 16th read above has stated that, the applicant has not completed minimum service of 10 years as daily wage worker. His services cannot be regularized on par with other daily wage workers of service and he is not eligible for regularization in terms of G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dated 22-04-1994 and G.O.(P) No.112, Finance & Planning (FW.PC-III) Department, dated 23-07-1997. Hence he has requested the Government to issue suitable instructions on the interim orders of the Tribunal.

10. In G.O. 10th read above, orders were issued for payment of minimum timescale i.e. Basic pay + DA without any other benefits, as per RPS 2010 to the Casual Labourers who are working in the Animal Husbandry Department, subject to the condition that they are working on daily wages/NMR or consolidated pay basis and are appointed prior to cut off date i.e. 25-11-1993 and the extension of minimum time scale shall not confer any right for regularization of their services.

11. Further, as per the G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dated 22-04-1994 and G.O.(P) No.112, Finance & Planning (FW.PC-III) Department, dated 23-07-1997, the person who have worked continuously as part time worker for a minimum period of ten years and are continuing as on 25-11-1993 and should possess the qualifications prescribed as per rules in force as on the date from which his/her services have to be regularized. But, Sri Prem Bahadur has not fulfilled the conditions stipulated in above said G.O's. He had not even passed 7th class and he has not completed minimum service of 10 years as daily wage worker as on 25-11-1993 (His date of

appointment is 1-9-1987). He has also not eligible for minimum time scale as per RPS 2010 as he was terminated from the service on 21-03-2002 due to no work at LSSBF, Mamidipally, R.R. District.

12. In view of the above circumstances, the Government after careful examination of the matter hereby reject the request of Sri Prem Bahadur, Ex-Casual Labour for regularization of his services and sanction of minimum time scale.

13. As regards to extension of minimum time scale (Pay + DA) of last grade service is concerned, this could be decided only on receipt of final order of Hon'ble High Court in W.P. No.17073/2010 filed by the Government. Because, at present it is not possible to determine whether the petitioner would be allowed back wages from 21-3-2002 to 24-02-2011, when he was reinstated on 25-02-2011. In case the Hon'ble High Court passes order in favour Government, the reinstatement date i.e. 25-02-2011 will be treated as fresh appointment because the daily wage workers don't have any leave entitlement to regularize the period of absence for such a long time from 21-3-2002 to 24-02-2011 (about 9 years), which will also make him ineligible for time scale in terms of G.O.Ms.No.17, AH,DD&F(AH-II) Department, Dt.17-02-2011 as he becomes a fresh candidate from 25-2-2011. Therefore, this issue will be reconsidered as and when the final orders are received from Hon'ble High Court.

14. The Director of Animal Husbandry shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director of Animal Husbandry, Hyderabad.
Shri Prem Bahadur through Director of Animal Husbandry.
The Deputy Director (AH), LSSBF, Mamidipally, Ranga Reddy District.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER